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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re)	Case No.:	09-20744 lbr
)		
Joseph A. Boateng,)	Chapter 13	
)		
Debtor.)	Date:	12/23/09
)	Time:	10:00 a.m.

OPPOSITION TO MOTION FOR RELIEF FROM STAY

COMES NOW the Debtor, Joseph A. Boateng, by and through his attorney, DAN M. WINDER, ESQ., and opposes the Motion for Relief from the Stay filed by Movant, insofar as the same seeks an order of the Court vacating the automatic stay.

MEMORANDUM OF POINTS AND AUTHORITIES

United States Bank Code Section 361(1) states, in pertinent part, as follows:

"When adequate protection is required under section 362, or 364, of this title of an interest of an entity in property, such adequate protection may be provided by--

(1) requiring the trustee to make a cash payment or periodic cash payments to such entity, to the extent that the stay under section 362 of this title, use, sale, or lease under section 363 of this title, or any grant of a lien under section 364 of this title results in a decrease in the value of such entity's interest in such property;

The property which is the subject matter of the instant Motion is Debtors' personal residence, and it is vital to him to retain the

1 property for a fresh start once their debts are adjusted, and also
2 during the period of the Plan. Thus, the property is necessary for
3 an effective reorganization of the Debtor. Additionally, Debtor has
4 proposed a Plan which proposes to pay any and all pre-petition
5 arrearages owing to Movant. Finally, Debtor is currently negotiating
6 directly with the Movant (not through or via counsel) on a loan
7 modification with Movant.

8 If arrears remain after the loan modification process is
9 completed between Debtor and Movant, Debtor proposes to pay any
10 remaining post-petition arrearages over a period not to exceed six
11 (6) months with the reasonable attorney's fees and costs incurred by
12 Movant to be paid in the seventh month. Naturally, during the seven-
13 month period, the Debtor will need to maintain ongoing monthly
14 mortgage payments.

15 WHEREFORE, Movant's Motion for Relief from the Automatic Stay
16 should be denied, and Debtor be allowed to enter into an adequate
17 protection Order with the Movant.

18 DATED this 2nd day of December, 2009.

19 LAW OFFICE OF DAN M. WINDER, P.C.

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